

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference FI20021740AH	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/FI 2003/000703	International filing date (day/month/year) 26.09.2003	Priority date (day/month/year) 01.10.2002
International Patent Classification (IPC) or national classification and IPC A23J 3/16, A23L 1/00, A23L 1/29		
Applicant SIHVOLA, Jouni		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
  - a. ☐ (sent to the applicant and to the International Bureau) a total of \_\_\_\_\_ sheets, as follows:
    - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
    - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
  - b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) \_\_\_\_\_, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

Date of submission of the demand 28.04.2004	Date of completion of this report 01.12.2004
Name and mailing address of the IPEA/SE Patent- och registreringsverket Box 5055 S-102 42 STOCKHOLM Facsimile No. +46 8 667 72 88	Authorized officer Inger Löfgren/Els Telephone No. +46 8 782 25 00

## Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4)
- ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☒ the international application as originally filed/furnished
- ☐ the description:
- pages \_\_\_\_\_ as originally filed/furnished
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ the claims:
- pages \_\_\_\_\_ as originally filed/furnished
- pages\* \_\_\_\_\_ as amended (together with any statement) under Article 19
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ the drawings:
- pages \_\_\_\_\_ as originally filed/furnished
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to the sequence listing (*specify*): \_\_\_\_\_
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to the sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims	<u>1-10</u>	YES
	Claims		NO
Inventive step (IS)	Claims	<u>1-10</u>	YES
	Claims		NO
Industrial applicability (IA)	Claims	<u>1-10</u>	YES
	Claims		NO

**2. Citations and explanations (Rule 70.7)**

## Cited documents:

D1: US4737364

D2: DE4302183

D3: EP0954984

D4: FR2389336

D1 discloses a nutritive powder concentrate. The powder is intended for dieting and comprises soy protein and psyllium powder.

D2 discloses a texturized soy bean preparation comprising water, vegetable oil, breading flour and egg white. The preparation is intended for vegetable hamburgers and the like.

D3 shows a dietary fibre composition that comprises soybean, wheat bran and flax and optionally psyllium.

D4 shows a nutritive preparation containing textured vegetable protein and ground fibre material. The preparation can be mixed with foods to reduce the energy intake or used as sausage composition.

The claimed invention comprises a nutritive preparation based on soy protein. The composition is intended for vegetarian hamburgers and sausages. Vegetable cutlets and sausages are traditionally made by texturizing cutlet-size pieces from soy flour. But the end product is not a vegetarian substitute for meat regarding taste and texture.

According to the invention, texturized soy protein is mixed with psyllium powder water and spices. The psyllium powder is acting as binding agent.

D2 is considered to be the closest prior art document. D2 is related to the texture and taste of vegetarian hamburger- and sausage substitutes.

## Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: V

(See column 1, line 26-31). The claimed invention, according to claims 1 and 8, differs from D2 in that psyllium is used as binding agent. According to D2, egg white is used as binding agent. In order to prepare a strictly vegetarian composition the skilled person must search for an alternative to egg white. Psyllium is well known in the art as nutritive fibre additive. (See D1 and D3). But psyllium is not known to have a good flavour and it is not shown to have binding capacity in the cited documents. It is not probable that the skilled person would choose psyllium as binding agent. Therefore the claimed invention, according to claims 1 and 8 is considered to involve an inventive step.

Accordingly, claims 1-10 are novel, involve an inventive step and are also considered to be industrially applicable